

ISSUES PENDING BEFORE THE CALIFORNIA SUPREME COURT IN CRIMINAL CASES

[These case summaries are made available to inform the public of the general subject matter in cases that the Supreme Court has accepted for review. The statement of the issue or issues in each case set out below does not necessarily reflect the views of the court, or define the specific issues that will be addressed by the court. This compilation is current as of Friday, February 7, 2020.]

People v. Aguayo, S254554. (D073304; 31 Cal.App.5th 758; San Diego County Superior Court; SCS295489.) Petition for review after the Court of Appeal conditionally reversed a judgment of conviction of criminal offenses and remanded for further proceedings. This case presents the following issues: (1) Is assault by means of force likely to produce great bodily injury a lesser included offense of assault with a deadly weapon? (See *People v. Aledamat* (2019) 7 Cal.5th 1, 16, fn. 5.) (2) If so, was defendant's conviction of assault by means of force likely to produce great bodily injury based on the same act or course of conduct as her conviction of assault with a deadly weapon?

People v. Anderson, S253227. (A136451; nonpublished opinion; San Francisco County Superior Court; 206013.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Were the enhancements under Penal Code section 12022.53, subdivision (e), improperly imposed as to counts 3 through 7 because the prosecution did not specifically plead a violation of this subdivision as to those counts? (See *People v. Mancebo* (2002) 27 Cal.4th 735.)

People v. Barton, S255214. (F076599; 32 Cal.App.5th 1088; Tuolumne County Superior Court; CRF46403.) Petition for review after the Court of Appeal dismissed an appeal from a judgment of conviction of criminal offenses. The court limited review to the following issue: Does a waiver of the right to appeal, included as part of a plea bargain for a stipulated sentence, bar an appeal of the sentence imposed if newly enacted legislation would otherwise be available to enable the appellant to obtain a remand for resentencing under *In re Estrada* (1965) 63 Cal.2d 740?

People v. Brown, S257631. (C085998; nonpublished opinion; Shasta County Superior Court; 15F2440.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did the trial court err in instructing the jury on the elements of first degree murder by poison (see *People v. Steger* (1976) 16 Cal.3d 539, 544–546; *People v. Mattison* (1971) 4 Cal.3d 177, 183–184, 186)? (2) Was any such instructional error prejudicial?

People v. Bullard, S239488. In this case in which briefing was previously deferred pending decision in *People v. Page* (2017) 3 Cal.5th 1175, the court ordered the parties to brief the following question: Does equal protection or the avoidance of absurd consequences require that misdemeanor sentencing under Penal Code sections 490.2 and 1170.18 extend not only to those convicted of violating Vehicle Code section 10851 by theft, but also to those convicted for taking a vehicle without the intent to permanently deprive the owner of possession? (See *People v. Page* (2017) 3 Cal.5th 1175, 1188, fn. 5.)

Facebook, Inc. v. Superior Court (Touchstone), S245203. (D027171; 15 Cal.App.5th 729; San Diego County Superior Court; SCD268262.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. In addition to the issues raised in the petition for review, the court directed the parties to address the following issues: (1) If, on remand and in conjunction with continuing pretrial proceedings, the prosecution lists the victim as a witness who will testify at trial (see Pen. Code, §§ 1054.1, subd. (a)), 1054.7) and if the materiality of the sought communications is shown, does the trial court have authority, pursuant to statutory and/or inherent power to control litigation before it and to ensure fair proceedings, to order the victim witness (or any other listed witness), on pain of sanctions, to either (a) comply with a subpoena served on him or her, seeking disclosure of the sought communications subject to in camera review and any appropriate protective or limiting conditions, or (b) consent to disclosure by provider Facebook subject to in camera review and any appropriate protective or limiting conditions? (2) Would a court order under either (1)(a) or (1)(b) be valid under the Stored Communications Act, 18 U.S.C., section 2702(b)(3)? (3) Assuming the orders described in (1) cannot properly be issued and enforced in conjunction with continuing *pretrial* proceedings, does the trial court have authority, on an appropriate showing *during trial*, to issue and enforce such orders? (4) Would a court order contemplated under (3) be proper under the Stored Communications Act, 18 U.S.C., section 2702(b)(3)? With regard to questions (1)-(4), see, e.g., *O'Grady v. Superior Court* (2006) 139 Cal.App.4th 1423; *Juror Number One v. Superior Court* (2012) 206 Cal.App.4th 854; *Negro v. Superior Court* (2014) 230 Cal.App.4th 879; and the Court of Appeal decision below, *Facebook, Inc., v. Superior Court (Touchstone)* (2017) 15 Cal.App.5th 729, 745-748. (5) As an alternative to options (1) or (3) set forth above, may the trial court, acting pursuant to statutory and/or inherent authority to control the litigation before it and to ensure fair proceedings, and consistently with 18 U.S.C. section 2702(b)(3), order the prosecution to issue a search warrant under 18 U.S.C. section 2703 regarding the sought communications? (Cf. *State v. Bray* (Or.App. 2016) 383 P.3d 883, pets. for rev. accepted June 15, 2017, 397 P.3d 30 [S064843, the state's pet.]; 397 P.3d 37 [S064846, the defendant's pet.].) In this regard, what is the effect, if any, of California Constitution, article I, sections 15 and 24?

People v. Frahs, S252220. (G054674; 27 Cal.App.5th 784; Orange County Superior Court; 16CF0837.) Review ordered on the court's own motion after the Court of Appeal conditionally reversed and remanded a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Does Penal Code section 1001.36 apply retroactively to all cases in which the judgment is not yet final? (2) Did the Court of Appeal err by remanding for a determination of defendant's eligibility under Penal Code section 1001.36?

In re Friend, S256914. (A155955; nonpublished order; Alameda County Superior Court; 81254A.) Petition for review after the Court of Appeal denied a request for a certificate of appealability under Penal Code section 1509.1, subdivision (c). The court directed the parties to address the following issues: (1) Is the *dismissal* of a condemned inmate's habeas corpus petition pursuant to Penal Code section 1509, subdivision (d) an appealable order and subject to the requirement of obtaining a certificate of appealability under Penal Code section 1509.1, subdivision (c), which applies to the "decision of the superior court *denying relief* on a successive petition" (italics added)? (2) What is the meaning of the term "successive petition" in Penal Code section 1509, subdivision (d), and is the habeas corpus petition at issue a successive petition? (3) If the habeas corpus petition at issue is a successive petition within the meaning of the statute, can the statutory provisions governing such petitions be applied to this petition when petitioner's first habeas corpus petition was filed before the statutes took effect (see, e.g., *Landgraf v. USI Film Products* (1994) 511 U.S. 244, 269-270)?

In re G.C., S252057. (H043281; 27 Cal.App.5th 110; Santa Clara County Superior Court; JV40902.) Petition for review after the Court of Appeal dismissed an appeal from orders in a juvenile wardship proceeding. This case presents the following issue: Can the juvenile court's failure to expressly declare whether an offense is a felony or a misdemeanor (see *In re Manzy W.* (1997) 14 Cal.4th 1199) be challenged on appeal from orders in a subsequent wardship proceeding?

In re Gadlin, S254599. (B289852; 31 Cal.App.5th 784; Los Angeles County Superior Court; BA165439, BH011480.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. This case includes the following issue: Under Proposition 57 (Cal. Const., art. I, § 32), may the California Department of Corrections and Rehabilitation categorically exclude from early parole consideration all prisoners who have been previously convicted of a sex offense requiring registration under Penal Code section 290?

People v. Gentile, S256698. (E069088; 25 Cal.App.5th 932; Riverside County Superior Court; INF1401840.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issues: (1) Does the amendment to Penal Code section 188 by recently enacted Senate Bill No. 1437 eliminate second degree murder liability under the natural and probable consequences doctrine? (2) Was it prejudicial error to instruct the jury in this case on natural and probable consequences as a theory of murder?

People v. Guerrero, S253405. (H041900; nonpublished opinion; Santa Clara County Superior Court; C1476320.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Did the Court of Appeal properly apply the “some connection or relationship” test of *People v. Gonzales* (2018) 6 Cal.5th 44 in holding that defendant’s conviction for identity theft precluded reducing his forgery conviction to a misdemeanor under the provisions of Proposition 47?

People v. Henson, S252702. (F075101; 28 Cal.App.5th 490; Fresno County Superior Court; F16903119.) Petition for review after the Court of Appeal reversed and remanded a judgment of conviction of criminal offenses. This case presents the following issue: When a defendant is held to answer following separate preliminary hearings on charges brought in separate complaints, can the People file a unitary information covering the charges in both those cases or must they obtain the trial court’s permission to consolidate the pleadings? (See Pen. Code, §§ 949, 954.)

In re Humphrey, S247278. (A152056; 19 Cal.App.5th 1006; San Francisco County Superior Court; 17007715.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court limited review to the following issues: (1) Did the Court of Appeal err in holding that principles of constitutional due process and equal protection require consideration of a criminal defendant’s ability to pay in setting or reviewing the amount of monetary bail? (2) In setting the amount of monetary bail, may a trial court consider public and victim safety? Must it do so? (3) Under what circumstances does the California Constitution permit bail to be denied in noncapital cases? Included is the question of what constitutional provision governs the denial of bail in noncapital cases—article I, section 12, subdivisions (b) and (c), or article I, section 28, subdivision (f)(3), of the California Constitution—or, in the alternative, whether these provisions may be reconciled. (4) What effect, if any, does Senate Bill No. 10 (2017-2018 Reg. Sess.) have on the resolution of the issues presented by this case?

People v. Jimenez, S249397. (B283858; 22 Cal.App.5th 1282; Ventura County Superior Court; 2016041618.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. This case presents the following issue: May a felony conviction for the unauthorized use of personal identifying information of another (Pen. Code, § 530.5, subd. (a)) be reclassified as a misdemeanor under Proposition 47 on the ground that the offense amounted to Penal Code section 459.5 shoplifting?

People v. Kopp, S257844. (D072464; 38 Cal.App.5th 47; San Diego County Superior Court; SCN327213.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court limited review to the following issues: (1) Must a court consider a defendant’s ability to pay before imposing or executing fines, fees, and assessments? (2) If so, which party bears the burden of proof regarding the defendant’s inability to pay?

People v. Lemcke, S250108. (G054241; nonpublished opinion; Orange County Superior Court; 14CF3596.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. This case presents the following issue: Does instructing a jury with CALCRIM No. 315 that an eyewitness's level of certainty can be considered when evaluating the reliability of the identification violate a defendant's due process rights?

People v. Long, S249274. (E066388; nonpublished opinion; Riverside County Superior Court; RIF113354.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus. This case presents the following issues: (1) Did defense counsel render ineffective assistance by failing to consult a qualified expert on determining time of death and failing to present evidence regarding defendant's clothing around the time of the crime? (2) Did the decision of the Court of Appeal adhere to the controlling standards of appellate review?

In re Lopez, S258912. (A152748; nonpublished opinion; Sonoma County Superior Court; SCR32760.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus. This case presents the following issues: (1) Does a true finding on a gang-killing special circumstance (Pen. Code, § 190.2, subd. (a)(22)) render *Chiu* error (*People v. Chiu* (2014) 59 Cal.4th 155) harmless? (2) To what extent or in what manner, if any, may a reviewing court consider the evidence in favor of a legally valid theory in assessing whether it is clear beyond a reasonable doubt that the jury based its verdict on the valid theory, when the record contains indications that the jury considered the invalid theory? (See *People v. Aledamat* (2019) 8 Cal.5th 1.)

People v. Lopez, S250829. (F074581; 26 Cal.App.5th 382; Tulare County Superior Court; VCF314447.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court limited review to the following issues: (1) Can the prosecution charge theft and shoplifting of the same property, notwithstanding Penal Code section 459.5, subdivision (b), which provides that “Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property”? (2) If not, was trial counsel ineffective for failing to object to the theft charge? (3) Did defendant forfeit the argument under Penal Code section 459.5 by failing to object to the prosecution’s charging both shoplifting and theft? (4) If defendant had objected, what should the trial court’s ruling have been? Might it have ordered the prosecution to choose between a shoplifting charge and a theft charge? If so, and given the potential difficulty in proving the intent required for shoplifting, might the prosecution have chosen to charge only petty theft with a prior? In that event, would defendant have been prejudiced by the failure to object? (5) Was petty theft with a prior a lesser included offense of shoplifting under the accusatory pleading test? If so, could the trial court have instructed the jury on shoplifting as the charged offense and on petty theft as a lesser included offense? (See *People v. Reed* (2006) 38 Cal.4th 1224, 1227-1231.) If not, and assuming defendant had objected to charging both crimes, could the prosecution have moved to amend the charging document to make the theft charge a lesser included offense of shoplifting under the accusatory pleading test? If that had occurred, could the trial court have instructed on shoplifting as the charged offense and on petty theft as a lesser included offense? In that event, would defendant have been prejudiced by the failure to object?

People v. Lopez, S258175. (B271516; 38 Cal.App.5th 1087; Los Angeles County Superior Court; BA404685.) Petition for review after the Court of Appeal affirmed in part and reversed in part judgments of conviction of criminal offenses. The court limited review to the following issues: (1) Does Senate Bill No. 1437 (Stats. 2018, ch. 1015) apply to attempted murder liability under the natural and probable consequences doctrine? (2) In order to convict an aider and abettor of attempted willful, deliberate and premeditated murder under the natural and probable consequences doctrine, must a premeditated attempt to murder have been a natural and probable consequence of the target offense? In other words, should *People v. FAVOR* (2012) 54 Cal.4th 868 be reconsidered in light of *Alleyne v. United States* (2013) 570 U.S. 99 and *People v. Chiu* (2014) 59 Cal.4th 155?

People v. Maya, S255371. (B290589; 33 Cal.App.5th 266; Ventura County Superior Court; 2010031209.) Petition for review after the Court of Appeal affirmed an order denying a motion to expunge a criminal conviction. This case presents the following issue: Does Penal Code section 1203.4a, subdivision (a), which sets forth a procedure to obtain the setting aside of a guilty verdict, authorize a court to consider an individual’s time spent in immigration custody after judgment of conviction, as part of the determination whether that individual has “lived an honest and upright life”?

People v. McKenzie, S251333. (F073942; 25 Cal.App.5th 1207; Madera County Superior Court; MCR047554, MCR047692, MCR047982.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. This case presents the following issue: When is the judgment in a criminal case final for purposes of applying a later change in the law if the defendant was granted probation and imposition of sentence was suspended?

Molina v. Superior Court, S256394. (G056530; 35 Cal.App.5th 531; Orange County Superior Court; 02CF0701.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Did the Court of Appeal err in ruling that petitioner could not seek relief by petition for writ of mandate from a concededly invalid conviction (see *People v. Rodriguez* (2012) 55 Cal.4th 1125) under Penal Code section 186.22, subdivision (a)?

People v. Moses, S258143. (G055621; 38 Cal.App.5th 757; Orange County Superior Court; 16NF1413.) Review on the court's own motion after the Court of Appeal reversed in part and affirmed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the Court of Appeal err in reversing defendant's conviction for human trafficking of a minor (Pen. Code, § 236.1, subd. (c)(1)) on the ground that defendant was communicating with an adult police officer posing as a minor rather than an actual minor?

O.G. v. Superior Court, S259011. (B295555; 40 Cal.App.5th 626, mod. 41 Cal.App.5th 213a; Ventura County Superior Court; 2018017144.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

People v. Superior Court (G.G.), S259048. (F079007; nonpublished opinion; Stanislaus County Superior Court; 514524.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

People v. Superior Court (I.R.), S257773. (F078893; 38 Cal.App.5th 383; Kings County Superior Court; 19JQ0003.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

People v. Superior Court (S.L.), S258432. (H046598; 40 Cal.App.5th 114; Santa Clara County Superior Court; JV42913.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

People v. Superior Court (T.D.), S257980. (F078697; 38 Cal.App.5th 360, mod. 39 Cal.App.5th 57a; Stanislaus County Superior Court; 512128.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate.

The preceding five cases present the following issue: Did Senate Bill No. 1391 (Stats. 2018, ch. 1012), which eliminated the possibility of transfer to adult criminal court for crimes committed when a minor was 14 or 15 years old, unconstitutionally amend Proposition 57?

People v. Orozco, S249495. (D067313; 24 Cal.App.5th 667; San Diego County Superior Court; SCN335521.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Can a felony conviction for receiving a stolen vehicle in violation of Penal Code section 496d be reclassified as a misdemeanor under Proposition 47 in light of Penal Code section 496, subdivision (a), which provides that receiving other stolen property is a misdemeanor when the value of the property does not exceed \$950?

In re Palmer, S252145. (A147177; 27 Cal.App.5th 120.) Petition for review after the Court of Appeal granted relief on a petition for writ of habeas corpus. This case presents the following issue: What standard should the Board of Parole Hearings apply in giving “great weight to the diminished culpability of youth as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner” as set forth in Penal Code section 4801, subdivision (c), in determining parole suitability for youth offenders?

In re Palmer, S256149. (A154269; 33 Cal.App.5th 1199.) Review on the court’s own motion after the Court of Appeal granted relief on a petition for writ of habeas corpus. The court limited review to the following issues: (1) Did this life prisoner’s continued confinement become constitutionally disproportionate under article I, section 17 of the California Constitution and/or the Eighth Amendment of the United States Constitution? (2) If this life prisoner’s continued confinement became constitutionally disproportionate, what is the proper remedy?

People v. Perez, S248730. (E060438; 22 Cal.App.5th 201; San Bernardino County Superior Court; FVI901482.) Petition for review after the Court of Appeal reversed in part and affirmed in part judgments of conviction of criminal offenses. The court limited review to the following issue: Did defendant’s failure to object at trial, before *People v. Sanchez* (2016) 63 Cal.4th 665 was decided, forfeit his claim that a gang expert’s testimony related case-specific hearsay in violation of his Sixth Amendment right of confrontation?

People v. Raybon, S256978. (C084853, C084911, C084960, C084964, C085101; 36 Cal.App.5th 111; Sacramento County Superior Court; 09F08248, 13F03230, 08F07402, 12F00411, 06F11185.) Petition for review after the Court of Appeal reversed orders denying petitions to recall sentence. This case presents the following issue: Did Proposition 64 [the “Adult Use of Marijuana Act”] decriminalize the possession of up to 28.5 grams of marijuana by adults 21 years of age or older who are in state prison as well as those not in prison? ?

Robinson v. Lewis, S228137. (9th Cir. No. 14-15125; 795 F.3d 926; Eastern District of California; 2:13-cv-00604-WBS-AC.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented, as restated by the court, is: “When a California court denies a claim in a petition for writ of habeas corpus, and the petitioner subsequently files the same or a similar claim in a petition for writ of habeas corpus directed to the original jurisdiction of a higher court, what is the significance, if any, of the period of time between the earlier petition’s denial and the subsequent petition’s filing (66 days in this case) for the purpose of determining the subsequent claim’s timeliness under California law?”

People v. Rodriguez, S251706. (F073594; 26 Cal.App.5th 890; Kings County Superior Court; 12CM7070.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Did the prosecutor improperly vouch for the testifying correctional officers by arguing in rebuttal that they had no reason to lie, would not place their careers at risk by lying, and would not subject themselves to possible prosecution for perjury?

In re Scoggins, S253155. (C084358; nonpublished opinion; Sacramento County Superior Court; 08F04643.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issue: Was the evidence at trial sufficient to support the robbery-murder special circumstance under *People v. Banks* (2015) 61 Cal.4th 788 and *People v. Clark* (2016) 63 Cal.4th 522?

People v. Stamps, S255843. (A154091; 34 Cal.App.5th 117; Alameda County Superior Court; 17CR010629.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense. This case presents the following issue: Is a certificate of probable cause required for a defendant to challenge a negotiated sentence based on a subsequent ameliorative, retroactive change in the law?

People v. Superior Court (Jones), S255826. (D074028; 34 Cal.App.5th 75; San Diego County Superior Court; CR136371.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Does Penal Code section 1054.9 entitle an eligible defendant to discovery of a trial prosecutor’s notes about jury selection with respect to a claim of *Batson/Wheeler* (*Batson v. Kentucky* (1986) 476 U.S. 79; *People v. Wheeler* (1978) 22 Cal.3d 258) error at trial?

People v. Tirado, S257658. (F076836; 38 Cal.App.5th 637; Kern County Superior Court; BF163811A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Can the trial court impose an enhancement under Penal Code section 12022.53, subdivision (b), for personal use of a firearm, or under section 12022.53, subdivision (c), for personal and intentional discharge of a firearm, as part of its authority under section 1385 and subdivision (h) of section 12022.53 to strike an enhancement under subdivision (d) for personal and intentional discharge of a firearm resulting in death or great bodily injury, even if the lesser enhancements were not charged in the information or indictment and were not submitted to the jury?

In re Vaquera, S258376. (G056786; 39 Cal.App.5th 233; Orange County Superior Court; 12NF0653.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issues: (1) Did the Court of Appeal err by disagreeing with *People v. Jimenez* (2019) 35 Cal.App.5th 373 and endorsing as mandatory the sentencing practice prohibited in that case? (2) Is the Court of Appeal's decision incorrect under *People v. Mancebo* (2002) 27 Cal.4th 735? (3) Did the Court of Appeal err by failing to address petitioner's claims as to the issues of waiver and estoppel?

People v. Veamatahau, S249872. (A150689; 24 Cal.App.5th 68; San Mateo County Superior Court; SF398877.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issues: (1) Did the prosecution's expert witness relate inadmissible case-specific hearsay to the jury by using a drug database to identify the chemical composition of the drug defendant possessed? (2) Did substantial evidence support defendant's conviction for possession of a controlled substance (Health & Saf. Code, § 11375, subd. (b)(2))?

In re White, S248125. (D073054; 21 Cal.App.5th 18; San Diego County Superior Court; SCN376029.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issues: (1) Under what circumstances does the California Constitution permit bail to be denied in noncapital cases? Included is the question of what constitutional provision governs the denial of bail in noncapital cases—article I, section 12, subdivisions (b) and (c), or article I, section 28, subdivision (f)(3), of the California Constitution—or, in the alternative, whether these provisions may be reconciled. (2) What standard of review applies to review of the denial of bail? (3) Did the Court of Appeal err in affirming the trial court's denial of bail? (4) What effect, if any, does Senate Bill No. 10 (2017-2018 Reg. Sess.) have on the resolution of the issues presented by this case?